

REMARKS

Claim 38 has been canceled without prejudice.

Claims 31, 33-37 and 39-47 are now in the case.

Applicants have amended the specification, as requested by the Examiner, to add a specific reference to the international application as well as the provisional applications of which the benefit is claimed.

Applicants have amended claims 31, 33 and 37 and have added claims 39-47 to more particularly point out and distinctively claim the present invention. Support for the subject matter in these claims is found in the specification and claims as filed (see page 2, 4, 31, 34).

Attached hereto is a marked-up version of the changes made to the specification by the current amendment. The attached page is captioned "**Version with markings to show changes made.**"

Objections to the claims

The Examiner has objected to claim 37 for not using the proper Markush type language.

Applicants submit that, as suggested by the Examiner, claim 37 has been amended to include the proper Markush type language.

Reconsideration and withdrawal of the objection are therefore requested.

Rejections Under 35 U.S.C. § 112

At the outset, Applicants submit that claim 38 has been cancelled without prejudice therefore mooting all rejections to this claim.

In the office action dated January 31, 2002, the Examiner rejected claims 33-38 under 35 U.S.C. 112 first paragraph because "the specification does not reasonably provide enablement for applying a detergent composition, solvents, a detergent surfactant, and a suds suppressor and absorbing the composition into an absorbent material."

Applicants submit that claims 33 and 37 have been amended, as suggested by the Examiner, and now include the step of wiping the surface with an absorbent structure (claim 33) or with a device (claim 37).

Reconsideration and withdrawal of the rejection are therefore requested.

In the office action dated January 31, 2002, the Examiner rejected claims 33-38 under 35 U.S.C. 112 second paragraph "as being incomplete for omitting essential elements, such omission amounting to a gap between the elements."

Applicants respectfully disagree with the Examiner. However, for the sake of advancing prosecution of the present application, Applicants submit that claims 33 and 37 have been amended, as suggested by the Examiner, and now include the step of wiping the surface with an absorbent structure (claim 33) or with a device (claim 37).

Reconsideration and withdrawal of the rejection are therefore requested.

The Examiner has rejected claims 31 and 33-38 under 35 U.S.C. 112, second paragraph, "as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regards as the invention."

Applicants submit that claims 31, 33 and 37 have been amended and that the percentages are given by weight of the composition.

In the office action, the Examiner stated that "the term "superabsorbant" is a relative term which renders the claim indefinite. The term "superabsorbent" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention."

Applicants respectfully disagree with the Examiner. Applicants would like to direct the Examiner's attention to page 10, line 31 and page 11 which reads as follows: "As used herein, the term "superabsorbent material" means any absorbent material having a g/g capacity of water of **at least about 15g/g**, when measured under a confining pressure of 0.3 psi."

It is Applicants' position that the term "superabsorbent is clearly defined in the specification.

The Examiner has rejected claims 31, 33, 37 and 38 because "the Examiner does not understand what is meant by "a level of one or more solvents."

Applicants submit that claims 31, 33 and 37 have been amended and that the term "a level of" has been deleted from these claims.

The Examiner has rejected claims 33-38 because "the term "effective amount" is on its face indefinite since it fails to state the function which is to be rendered effective."

Applicants submit that claims 33 and 37 have been amended and now claim a "cleaning effective amount".

Reconsideration and withdrawal of the rejections of claim 31, 33-38 are therefore requested.

Rejections under 35 U.S.C. § 103

The Examiner has rejected claims 31 and 33-38 under 35 U.S.C. 103(a) as being unpatentable over Richardson et al. in view of Borofsky.

Applicants traverse this rejection in view of the following remarks.

It is basic patent law that “[t]o establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation ... to modify the reference or to combine the reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in applicant’s disclosure.” *In re Vaeck*, 947 F.2d 488, USPQ 2d 1438 (Fed Cir. 1991).

The Examiner stated that “Richardson discloses an effective amount of detergent composition containing no more than about 0.5% detergent surfactant.”

Applicants respectfully disagree with the Examiner.

As best understood by Applicants, Richardson et al disclose that “[t]he amount of polysaccharide hydrocolloids used is generally about 0.05% to 0.5% by weight of the compositions.” However, it is Applicants understanding that polysaccharide hydrocolloids are NOT surfactants but rather stabilizers/foam retarding agents.

In addition, the Examiner stated that “Borofsky discloses that a cleaning composition of liquid detergent and solvent is absorbed into an absorbent structure comprising a superabsorbent material of sponge mop.”

Applicants respectfully disagree with the Examiner.

As best understood by Applicants, Borofsky discloses that “Sponge mops for home usage are often provided with a wringer attachment for removing moisture from the **absorbent sponge material** to facilitate floor cleaning. In use, cleaning fluid, which typically includes a liquid detergent and water, is placed in an ordinary bucket and the **mop is dipped into the bucket to absorb the cleaning fluid**. The mop is then withdrawn and moved across the floor to spread the cleaning fluid on the floor.”

Applicants note that Borofsky does not teach or suggest an absorbent structure comprising a superabsorbent material. Again, Applicants would like to direct the Examiner’s attention to page 10, line 31 and page 11 of the present application which reads as follows: “As used herein, the term “**superabsorbent material**” means any absorbent material having a g/g capacity of water of **at least about 15g/g**, when measured under a confining pressure of 0.3 psi.”

Furthermore, Applicants submit that both claim 33 and 37 are directed to a process of cleaning a surface comprising the steps of: - **applying** a cleaning effective amount of a detergent composition to a surface and **wiping** the surface with an absorbent structure of device, such that the composition is absorbed.

Applicants note that Borofsky discloses that the cleaning device is first dipped in a bucket containing the detergent composition and then moved across the surface to be cleaned. It is Applicants' position that Borofsky does not teach or suggest the claimed process comprising the steps of applying a detergent composition and then wiping said surface with an absorbent structure such that said composition is absorbed.

Therefore, it is Applicants position that the Examiner failed to establish a *prima facie* case of obviousness.

Reconsideration and withdrawal of the rejection are therefore respectfully requested.

The Examiner has rejected claims 31 and 33-38 under 35 U.S.C. 103(a) as being unpatentable over Berrido et al. in view of Borofsky.

In the office action, the Examiner stated that "Berrido discloses an effective amount of detergent composition containing no more than about 0.5% of detergent surfactant (Col 4, lines 58-67); a level of one or more solvents, that is less than 5.0% (Example 1 & 2); a pH of more than about 9 (Col 4, line 67- Col 5, line2); and an effective amount of suds suppressor (Col 4, line 63)."

After having reviewed the Berrido et al reference, and in particular the citations provided by the Examiner, Applicants are not able to find any disclosure related to a cleaning composition comprising less than about 0.5% of detergent surfactant, nor less than 5.0% by weight of a solvent.

As best understood by Applicants, the only disclosure of a level of surfactant in Berrido et al. can be found in "Example 2" which discloses "a dry product comprising 28.89% by weight of a non-ionic surfactant." (see Col 6)

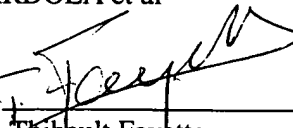
Applicants submit that the Borofsky reference has already been discussed.

Therefore, it is Applicants' position that the Examiner failed to establish a *prima facie* case of obviousness.

Reconsideration and withdrawal of the rejections are therefore respectfully requested.

Respectfully submitted,

CARDOLA et al

By: 
Thibault Fayette
Attorney for Applicants
(513) 627-4593

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Customer Number: 27752

Serial No.: 09/509,603

IN THE SPECIFICATION:

Please amend the specification as follows:

Please add the following sentence between the "Title" and the "Technical Field" section:

This application is a 371 of International Application No PCT/US98/20513 filed October 1, 1998, which claims the benefit under 35 U.S.C 119(e) of U.S. provisional application No. 60/086,447 filed May, 22, 1998 and U.S. provisional application No. 60/061,296 filed October 7, 1997.

IN THE CLAIMS:

Please, amend the claims as follows:

Please cancel claim 38 without prejudice.

31. (Amended) A kit comprising an implement, [containing] a pad containing superabsorbent material and a detergent composition containing no more than about 0.5% by weight of detergent surfactant; [a level of] less than about 5.0% by weight of [one or more] a solvent[s , that is less than about 5.0%]; and a pH of more than about 9.

33. (Amended) [The] A process of cleaning a surface, said process comprising the steps of: [comprising] applying a[n] cleaning effective amount of a detergent composition to said surface, said detergent composition containing no more than about 0.5% by weight of detergent surfactant; [a level of] less than about 5.0% by weight of [one or more] a solvent[s , that is less than about 5.0%]; and a pH of more than about 9 and [absorbing the composition in] wiping said surface with an absorbent structure comprising a superabsorbent material such that said composition is absorbed by said absorbent structure.

37. (Amended) [The] A process of cleaning a surface, said process comprising the steps of: [comprising] applying a[n] cleaning effective amount of a detergent composition to said surface, said detergent composition containing no more than about 0.5% by weight of detergent surfactant; [a level of] less than about 5.0% by weight of [one or more] a solvent[s, that is less than about 5.0%] and a pH of more than about 9 and [absorbing the composition using a] wiping said surface with a device selected from the group



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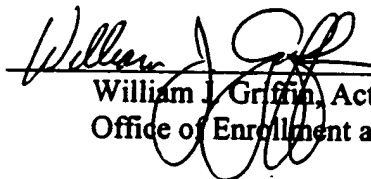
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Expires: April 25, 2003


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